

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

DAVID DUVALL, )  
Plaintiff, )  
v. )  
NOVANT HEALTH, INC., ) C.A. No. 3:19-cv-00624-DSC  
Defendant. )  
 )  
 )

**PLAINTIFF'S NOTICE OF FILING**

Plaintiff, through counsel, files this notice and explanation for filing additional proposed jury instructions this same date. [ECF 77] The parties attempted to work through the issues related to the mixed motive instruction and submitted a joint filing that includes portions of agreement and redlined sections showing areas of disagreement. Defendants also filed their original proposed instructions.

Plaintiff had proposed to Defendant that the Court use the Eighth Circuit pattern instruction filed this morning, as it better presents the mixed motive issue, including the instruction that a jury can find discrimination motivated a decision by disbelieving the stated reasons for termination. Since Defendant filed their original proposed instruction, Plaintiff submits the Eighth Circuit instruction for the Court to have a complete understanding of the back and forth between the parties.

Respectfully submitted, this 15th day of April, 2021.

**/s/ S. Luke Largess**  
NC Bar No. 17486  
*Attorney for Plaintiff*  
Tin, Fulton, Walker & Owen, PLLC  
301 East Park Avenue  
Charlotte, NC 28203  
Telephone: 704.338.1220  
Email: [llargess@tinfulton.com](mailto:llargess@tinfulton.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing **NOTICE** with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all counsel of record:

Dated this the 15th day of April, 2021.

**/s/S. Luke Largess**  
N.C. Bar No. 17486  
*Attorney for Plaintiff*